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AUG 28 2008

In re Application of :  
Frank F. Schmeyer et al. :  
Application No. 10/788,495 : DECISION ON PETITION  
Filed: February 27, 2004 :  
Attorney Docket No: 35352.01.8001/3 :

This is a decision on the petition, filed April 21, 2008 under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.


Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. While the petition seeks revival and a request to rescind the nonpublication request filed on February 27, 2004, petitioner has not provided the exact filing date of the foreign application or applications. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application(s).

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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Post Office Box 1450  
Alexandria, VA 22313-1450

**By Fax:** (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions